

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 625. CERTIFICATE OF NEED STANDARDS FOR ICF/IID***

"Unofficial Version"

Section

- 310:625-1-1. Purpose
- 310:625-1-2. Service area
- 310:625-1-3. Burden of proof
- 310:625-1-4. Standards

[**Authority:** 63 O.S. Supp. 1990, §§ 1-850 et seq., and 75 O.S. Supp. 1990, §§ 250 et seq.]

[**Source:** Codified 12-31-91]

310:625-1-1. Purpose

This Chapter shall apply to Certificate of Need applications reviewed by the Department for proposed Intermediate Care Facility/Individuals with Intellectual Disabilities (ICF/IID)* beds and implements part of the Long-term Care Certificate of Need Act. This Chapter shall not apply to ICF/IID* 16s and smaller facilities.

310:625-1-2. Service area

For review purposes under these standards, the service area for an ICF/IID* shall be the Individuals with Intellectual Disabilities* School Service Region, as designated by the State Department of Human Services, in which it is located or proposed for location. In the event an application for Certificate of Need is considered for a specialized ICF/IID* facility for which only one or two facilities may be needed in the State, then the Department may treat the entire State as the service area.

310:625-1-3 Burden of proof

It shall be incumbent on each applicant to clearly demonstrate an unmet need for additional ICF/IID* beds in the applicable service area and to demonstrate conformance with all standards specified herein.

310:625-1-4. Standards

(a) No new ICF/IID* beds, except ICF/IID* 16s and smaller, shall be approved in the service area unless the total number of ICF/IID* beds in the service area falls below the following standard: 84 ICF/IID* beds per 100,000 general population.

(b) An application for ICF/IID* beds shall not be approved unless the applicant demonstrates familiarity with and understanding of

* The following terms have been replaced in these unofficial rules in accordance with CMS guidance and Oklahoma Statutory authority:

1. "the Mentally Retarded;" "Mentally Retarded Persons" and "Mentally Retarded Individuals" With "Individuals with Intellectual Disabilities"
2. "Mentally Retarded or Developmentally Disabled" With "Individuals with Intellectual Disabilities or Developmental Disabilities"

The acronym "ICF/IID" replaces "ICF/MR". Reference the [Federal Register, 77 FR 29003, 29021-29022, 29028, 42 CFR Section 400.203](#), and [Title 25 Oklahoma Statutes Section 40](#). These proposed amendments will be addressed in future rulemaking activity.

certification standards for an ICF/IID*, specified in 42 CFR Section 442.400.

(c) The identity of the licensed administrator of the existing or proposed facility must be provided by the applicant as a prerequisite to issuance of a Certificate of Need.

(d) No additional ICF/IID* beds, whether proposed through construction or conversion of existing space, shall be approved for any existing ICF/IID* unless it has maintained an occupancy rate of at least 95%, based upon a calculation of occupancy reflected in the monthly average daily census reports of the Department of Human Services for the most recent six month period for which official data is available when the application is filed.

(e) Any ICF/IID* beds approved, but not yet in place in the service area, shall be included in the evaluation for determining bed need specified in subsection (a).

(f) Any existing ICF/IID* which proposes an expansion of beds by conversion or construction and which has a record of questionable quality of care, as demonstrated through complaint investigation records, or other means, may be denied a Certificate of Need despite the conformity of the proposal to other standards delineated herein.

(g) In determining the bed need in subsection (a), the beds at the three state schools are hereby determined to be the number of beds necessary to have a 90% occupancy, based upon a calculation of occupancy reflected in the monthly average daily census reports of the Department of Human Services for the most recent six month period for which official data is available when the application is filed.

(h) The Department shall consider the relationship of a Certificate of Need application to any plan adopted by the Department of Human Services concerning the distribution and allocation of services for mentally retarded or developmentally disabled persons.

* The following terms have been replaced in these unofficial rules in accordance with CMS guidance and Oklahoma Statutory authority:

1. "the Mentally Retarded;" "Mentally Retarded Persons" and "Mentally Retarded Individuals" With "Individuals with Intellectual Disabilities"
2. "Mentally Retarded or Developmentally Disabled" With "Individuals with Intellectual Disabilities or Developmental Disabilities"

The acronym "ICF/IID" replaces "ICF/MR". Reference the [Federal Register, 77 FR 29003, 29021-29022, 29028](#), [42 CFR Section 400.203](#), and [Title 25 Oklahoma Statutes Section 40](#). These proposed amendments will be addressed in future rulemaking activity.